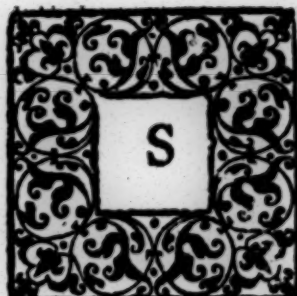


C A S E

OF

Sir Philip Warwick Respondent,
To the Appeal of
Sir Oliver Boteler, Bar^r. Appellant.



IR William Boteler, Sir Oliver's late Father, did by his Last Will, (about the Year of Our LORD 1644.) bequeath and appoint 600 l. to be raised out of his Lease of Sutton, which he held of his late Majesty, and, whereof there was then about Ten years to come; (but the Lease under Sequestration for Two whole years after:) And with the said 600 l. so to be raised, to pay and settle 30 l. *per annum* to and upon Mr. Bolton the Vicar of Sharnbrook, and his Successors for ever.

The said Sir William died in the said year 1644. being slain in his late Majesties Service, at Cropredy-Bridge, leaving his Estate under Sequestration to the then Powers. Besides, his Estate was then indebted 3500 l. At which time Sir Oliver the Appellant was an Infant of about 11 years of Age.

His Estate being thus incumbered, none of the Six Executors named in his Will would intermeddle, besides his Widdow and Relict the Lady Boteler.

The said Lady Boteler his Relict, till about 1667, when she Married the said Sir Philip, And then the said Sir Philip and his wife the said Lady did manage the whole Estate for the Benefit of Sir Oliver, and applied the whole Rents and Profits, as well the Rents and Profits of Sutton Lease, as of the rest of the Estate (Charged with the said Ladies Dower and other Annuities) for the compounding the said Sequestration, and paying of the said 3500 l. Debt and Interest, and Maintenance for Sir Oliver; and for payment of the said 30 l. *per annum*, and other Duties charged upon the Estate.

Sir Philip and his Lady, after a long Solicitation and great Charges, procured the Composition of the said Sequestration. (Which was set at 10400 l. And a 5th and 20th parts set at 1600 l. amounting in all to 12000 l.) to be reduced to 3000 l. which was raised and paid by the said Sir Philip Warwick and his Lady: Sir Oliver being a Minor, his Estate intail'd; and they having no Estate of his wherewith to Secure the Re-payment of any Money, saving this Sutton Lease: So that if Sir Oliver had died before he attained his Age, much of the Money would have been lost.

That in the Year of our Lord 1654. Sutton Lease expired, and Sir Oliver then attained his full Age: Soon after which Sir Philip Warwick and his Lady accounted with Sir Oliver for all the Receipts out of his Fathers said Estate, and for all the Payments for the said Sequestration, and the said Debts and Charges: And then Sir Oliver being well satisfied with the Management and Disposition of the said Estate, did give Sir Philip Warwick and his Lady a full Discharge and Release; reciting in the said Discharge, That they had Accompted together concerning All Receipts, Payments and Disbursements whatsoever: And that upon the true stating and making up of the said Account, All Matters and Things concerning the same were made even and clear'd between them: All which the said Sir Oliver did thereby acknowledge and confess.

And from that time took upon himself to pay the said 30 l. *per ann.* to the said Vicar of Sharnbrook, and accordingly paid it from the said year 1654 to the year 1659. And then he made an absolute Settlement of part of his Estate for the payment of the said Annuity of 30 l. *per annum* to be continued and paid for ever: and accordingly Sir Oliver continued the payment thereof to the year 1674. And Sir Oliver then failing to pay the same

Thereupon Mr. Bolton the Vicar of Sharnbrook, preferr'd an Information in his Majesties Attorney Generals name, against Sir Oliver and Sir Philip Warwick, to be paid the Arrears, and the growing 30 l. *per annum*; And the Court of Chancery were clear of Opinion, and decreed Sir Oliver and not Sir Philip Warwick to pay the same.

And the Reason why Sir Oliver Boteler ought to pay the 30 l. *per ann.* is, in regard the Profits of his Fathers Estate was accounted to him; And, for that he Released Sir Philip Warwick and paid the 30 l. *per annum*, for XX years together.

Besides Sir Philip Warwick and his Ladies kindness to Sir Oliver, since the year 1674. are very considerable, (*viz.*)

The Ladies abating him a considerable part of her Thirds, for about XX years.

The assisting him to obtain a Debt of 1600 l. due to his Father.

The giving him an 100 Guinnies.

The giving him 400 l. for his Daughter.

The giving him a Gold Cup worth 100 l.

The giving him a Suit of Hangings worth 100 l.

Sir Philip lending him several considerable Summs of Money without Interest.

Their maintaining his Eldest Son and his Nurse from his Birth, till he was 8 years old.

The Freedom of their House to Entertain Sir Oliver and his Family at all times.